

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Richard Duncan,	:	
	:	Case No. 2:13-cv-1157
Plaintiff,	:	
	:	JUDGE ALGENON L. MARBLEY
v.	:	
	:	Magistrate Judge Kemp
Secretary of State Jon A. Husted,	:	
	:	
Defendant.	:	

OPINION AND ORDER

Plaintiff Richard Duncan has brought this action against Defendant Secretary of State Jon Husted to challenge the constitutionality and legality of amendments to Ohio Rev. C. §§3513.262 & 3513.263. On September 17, 2014, the Court issued an Order ruling on several pending motions, including a motion for a protective order filed by Defendant Husted. The Court granted in part and denied in part Defendant Husted's motion for a protective order. On October 1, 2014, Defendant Husted filed Objections to / Motion for Reconsideration of Magistrate Judge's Order Denying Defendant Secretary of State Jon Husted's Motion for Protective Order. On the same day, he also filed a Motion to Stay or Expedite Consideration of Objections to Magistrate Judge's Order Denying Defendant Secretary of State Jon Husted's Motion for Protective Order. (Doc. 42).

Granting the requested stay need not prejudice Mr. Duncan. Mr. Duncan himself requested and was granted an extension of time to complete discovery as to the deposition of Defendant Husted previously, and if the deposition of Defendant Husted is permitted to go forward, the discovery deadline will be extended to accommodate that deposition. In addition, absent the stay, Defendant Husted's objections will become moot in two weeks

unless the objections are decided in that time.

For the foregoing reasons, Defendant Husted's Motion (doc. 42) is granted. The Court's September 17, 2014 Order granting in part and denying in part Defendant Husted's motion for a protective order (Doc. 23) is stayed pending the Court's resolution of Defendant Husted's objections.

Procedure for Reconsideration

Any party may, within fourteen days after this Order is filed, file and serve on the opposing party a motion for reconsideration by a District Judge. 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P.; Eastern Division Order No. 91-3, pt. I., F., 5. The motion must specifically designate the order or part in question and the basis for any objection. Responses to objections are due fourteen days after objections are filed and replies by the objecting party are due seven days thereafter. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

This order is in full force and effect, notwithstanding the filing of any objections, unless stayed by the Magistrate Judge or District Judge. S.D. Ohio L.R. 72.4.

/s/ Terence P. Kemp
United States Magistrate Judge